

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTERBORO PACKAGING CORP.,

Plaintiff,

-against-

NEW PENN MOTOR EXPRESS, LLC and
YRC, INC.,

Defendants.
-----X

ORDER

21-CV-10591 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared by telephone for a pre-motion conference at 3:30 p.m. today.

The Court treats plaintiff's pre-motion letter (Doc. 11) as its motion to remand this action to State Court and press the motion for default judgment filed in State Court prior to removal. *See Brown v. New York*, 2022 WL 221343, at *2 (2d Cir. Jan. 26, 2022); *In re Best Payphones, Inc.*, 450 F. App'x 8, 15 (2d Cir. 2011). For the reasons indicated on the record and law cited therein, plaintiff's motion is denied.

The Court extends the time for defendants to answer or otherwise move with respect to the complaint to March 4, 2022. The parties are directed to meet and confer concerning the matters raised by defendants in their pre-motion letter (Doc. 10), and by February 25, 2022, plaintiff may, if it be so advised, file an amended complaint. If plaintiff files an amended complaint, by March 4, 2022, defendants shall file via ECF: a letter advising that they intend to press their pre-motion conference letter concerning their anticipated motion to dismiss (Doc. 10); a new pre-motion conference letter addressed to the amended complaint; or an answer to the amended complaint. If

defendants press their pre-motion conference letter or file a new pre-motion conference letter, plaintiff shall file a response thereto by March 11, 2022. See transcript.

SO ORDERED:

Dated: White Plains, New York
February 7, 2022

A handwritten signature in black ink, appearing to read 'P. Halpern', with a long, sweeping horizontal stroke extending to the right.

Philip M. Halpern
United States District Judge